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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/858,548 03/27/92 PECORINO

P 6249/07028 (G

EXAMINER

RO, B

ART UNIT

PAPER NUMBER

2107

2

DATE MAILED: 10/26/92

DARBY & DARBY
805 THIRD AVENUE
NEW YORK, NY 10022

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☒ Notice of References Cited by Examiner, PTO-892.
- ☒ Notice of Patent Drawing, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, Form PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐ _____

Part II SUMMARY OF ACTION

- ☒ Claims 1-17 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
- ☐ Claims _____ have been cancelled.
- ☐ Claims _____ are allowed.
- ☒ Claims 1-17 are rejected.
- ☐ Claims _____ are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.
- ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
- ☐ Formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice of Patent Drawing, PTO-948).
- ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).
- ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

EXAMINER'S ACTION

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Part III FIRST OFFICE ACTION

1. This application as originally filed only contains four sheets of drawing, not five sheets. The Fig. 2B is missing. Applicant should submit Fig. 2B in response to this office action.

Applicant should note that incomplete application may affect the filing date.

2. Drawing correction is required as follows:

Fig. 1, the reference numerals "29" (roller) and "32" (decoration) are missing, see spec page 4, lines 6 and 9, respectively.

Fig. 4 and/or 4A, the reference numeral "62" (luminar) is missing, see spec page 7, line 6.

3. Specification correction is required. Page 4, lines 15 and 18, the "motor 36" should be changed to --motor 34--, see Fig. 1.

Page 10, line 3 (or the abstract line 2), the word "can" is misprinted.

4. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the means for manually operating the moving means (claim 5), the cover means comprises a panel wherein moving means moves the panel horizontally (claim 7), and a remote actuating means (claims 8, 16, 17) must be shown or the feature canceled from the claim. No new matter should be entered.

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5. Claims 1-17 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are rejected because the terminologies used in the claims are inconsistent, i.e. lack proper antecedent basis, see the following explanation.

Claim 1, line 1 defines a "viewable flat panel video display", this video display has been called as "display panel" (claim 1, lines 5 and 7) and as "flat panel display" (claim 13).

Claim 1, line 4 defines a "movable cover means", this cover means has been called as "said cover" (the word "means" is missing, see claim 4, line 2).

Claim 9, line 2 defines a "housing", this housing has been called as "housing means" (the word "means" should be deleted, see claims 11, 12, 15).

Finally, claims 8, 16, 17, line 2, after "and" insert --said cover unit further comprises-- to define the additional element in the dependent claims.

6. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

7. Claims 1-10, 13-14, 16-17 are rejected under 35 U.S.C. § 103 as being unpatentable over Skovgaard US Patent 5,138,462, or Skovgaard in view of any one of Smart US Patent 3,807,480, Green US Patent 2,805,059, Cook US Patent 2,801,844.

Regarding claim 1, Skovgaard Fig. 1 teaches a cover unit for a viewable flat panel video display (the TV screen), comprising:

means for mounting said unit (Fig. 1 the four un-numbered elements at each corner of the curtains 4);

movable cover means (the curtains 4) to be disposed in front of said display panel (the TV screen); and

means for moving said cover means (the motor 20) to cover and uncover said display panel.

Regarding claim 1, Skovgaard does not specifically show that the mounting means is mounted to a wall. The examiner considers that the mounting means mounts to a wall is a design choice depending on the location of the TV set. If the TV set is mounted on the wall, such as TV set in public areas, in hospitals, in airports, etc, then the screen should also mount on

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the wall.

Regarding claims 2 and 3, Skovgaard's motor 20 moves the curtain covers 4 in horizontal direction, not in vertical direction. Again, the examiner considers that moving the curtain in vertical direction is an obvious design choice, many window curtains, garage doors, etc are designed to move in vertical direction, see Green's patent, for example.

Regarding claim 3, Skovgaard's curtains 4 are flexible.

Regarding claim 4, Skovgaard's Fig. 1 includes cylinder 6 for rolling the curtains 4.

Regarding claim 5, motor operated and manually operated curtains are design choice. As well known in the art, many window curtains are manually operated.

Regarding claim 6, Skovgaard's curtains 4 are operated by motor 20.

Regarding claim 7, the vertical panel is well known art, especially in the garage door design. See Green's patent.

Regarding claims 8, 16, 17, a remote control is well known art. Many household appliances have remote controls, for example, TV sets, VCRs, garage doors, etc.

Regarding claim 9, albeit not shown, Skovgaard's covering unit must installed in a housing.

Regarding claims 10 and 14, the mounted location of the cover housing depends on the location of the TV set. If the TV

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set is mounted on the wall, then the cover housing is also mounted on the wall.

Regarding claim 13, albeit not shown, Skovgaard's TV set has a cabinet, which is a housing.

8. Claims 11, 12, 15 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication should be directed to Bentsu Ro at telephone number (703) 308-3656.

BRO 10/21/92

Bentsu Ro.
BENTSU RO
PRIM. OWNER
APR 21 1993